

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELIZABETH CHAN, *et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, *et al.*,

*Defendants.*

Case No. 1:23-cv-10365 (LJL)

Case No. 1:24-cv-01644 (LJL)

Case No. 1:24-cv-00367 (LJL)

Case No. 1:24-cv-04111 (LJL)

MICHAEL MULGREW, *et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, *et al.*,

*Defendants.*

**NOTICE OF OMNIBUS MOTION  
TO DISMISS THE  
CONSTITUTIONAL CLAIMS BY  
THE METROPOLITAN  
TRANSPORTATION AUTHORITY,  
THE TRIBOROUGH BRIDGE AND  
TUNNEL AUTHORITY, THE  
TRAFFIC MOBILITY REVIEW  
BOARD, THE NEW YORK CITY  
DEPARTMENT OF  
TRANSPORTATION, AND  
WILLIAM J. CARRY**

NEW YORKERS AGAINST  
CONGESTION PRICING TAX, *et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, *et al.*,

*Defendants.*

**ORAL ARGUMENT REQUESTED**

TRUCKING ASSOCIATION OF NEW  
YORK,

*Plaintiff,*

v.

METROPOLITAN TRANSPORTATION  
AUTHORITY, *et al.*,

*Defendants.*

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants the Metropolitan Transportation Authority, the Triborough Bridge and Tunnel Authority, the Traffic Mobility Review Board (“TMRB”), the New York City Department of Transportation (“NYCDOT”), and William J. Carry in his official capacity as Assistant Commissioner for Policy for the NYCDOT’s Omnibus Motion to Dismiss the Constitutional Claims and all other papers and proceedings herein, Defendants, by and through their counsel, will move this Court before the Honorable Lewis J. Liman, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Counts Four, Five, and Six in *Chan v. United States Department of Transportation*, No. 23 Civ. 10365; Counts Four, Five, and Six in *Mulgrew v. United States Department of Transportation*, No. 24 Civ. 1644; Count Five and, in all events, the TMRB as a Defendant in connection with Count Five, in *New Yorkers Against Congestion Pricing Tax v. United States Department of Transportation*, No. 24 Civ. 367; and Counts One, Two, and Three in *Trucking Association of New York v. Metropolitan Transportation Authority*, No. 24 Civ. 4111.

Dated: September 30, 2024  
New York, New York

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Carry in his official capacity as Assistant  
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